

Jason M. Drangel (JD 7204)
jdrangel@ipcounselors.com
Ashly E. Sands (AS 7715)
asands@ipcounselors.com
Danielle S. Futterman (DY 4228)
dfutterman@ipcounselors.com
Gabriela N. Nastasi
gnastasi@ipcounselors.com
EPSTEIN DRANGEL LLP
60 East 42nd Street, Suite 1250
New York, NY 10165
Telephone: (212) 292-5390
Facsimile: (212) 292-5391
Attorneys for Plaintiff
The Pinkfong Company, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PINKFONG COMPANY, INC.,

Plaintiff

v.

7DAY STORE, A PLEASANT TRIP STORE, AIDA TECH LIMITED, ANKANG QINBA MANCHUANG TOYS INDUSTRY OPERATION MANAGEMENT CO., LTD., BABY FAMILY STORE, BOOM PARTY STORE, CHILDREN'S CLOTHES DESIGN STORE, CHILDREN'S WONDER FACTORY STORE, CHINA BEDDING-SET FACTORY STORE, DONGGUAN EVEREST TECHNOLOGY CO., LTD., DONGGUAN MITO TECHNOLOGY CO., LTD., DONGGUAN YIKANG PLUSH TOYS CO., LTD., DROPSHIP PLUSH TOY STORE, EMMABABY BEAUTIFUL BABY STORE, FULABAO OFFICIAL STORE, FUZHOU YIBO ELECTRONIC COMMERCE CO., LTD., GUANGDONG JICHENG CRAFT PRODUCTS CO., LTD., GUANGZHOU KINGKONG INDUSTRIAL CO., LTD., HANG WING PLASTIC INDUSTRY CO., LTD., HAPPY HOUSE PARTY STORE, HI PARTY STORE, HMXRBY 2022 CHILDREN S CLOTHING FACTORY STORE, J-L STORE STORE, JOYMEMO PARTY TOWN STORE, KAYOLI BABY STORE, LI DU HOMES STORE STORE, LITCHI BACKDROP STORE, LUCKYHOME66

CIVIL CASE NO.
22-cv-4133 (PAE)

ORDER FOR
RETURN OF
SECURITY BOND

STORE, MILULU88 STORE, -NAUGHTY BABY STORE, PALALA TOY'S STORE, QIUQIU PARTY STORE, SHENZHEN OXOFUN TECHNOLOGY LIMITED, SHENZHEN YISHANGJU TECHNOLOGY CO., LTD., SHOP 119457639 STORE, SHOP 169276549 STORE, SHOP1100269143 STORE, SHOP912624424 STORE, SWEETHOME376688 STORE, WANGQIANYU STORE, XIAMEN BETTER SUPPLY CHAIN CO., LTD., XIAOBODING STORE, YIWU ALL SHINE IMPORT & EXPORT CO., LTD., YIWU ALLO TRADING CO., LTD., YIWU AULLAN IMPORT & EXPORT CO., LTD., YIWU BAOCHANG TRADING CO., LTD., YIWU JUQI TRADING CO., LTD., YIWU TUYUE ELECTRONIC COMMERCE CO., LTD., YOUNG PLAY STORE, YY WAROOM STORE, ZHAOQING JUNJIE TECHNOLOGY CO., LTD., ZHEJIANG LEADERSHOW HOMETEXTILE CO., LTD and ZHISUXI OFFICIAL STORE,


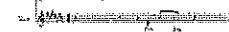
Defendants

GLOSSARY

| <u>Term</u> | <u>Definition</u> | <u>Docket Entry Number</u> |
|----------------------------------|--|---------------------------------------|
| Plaintiff or Pinkfong | The Pinkfong Company, Inc. | N/A |
| Defendants | 7day Store, A pleasant trip Store, AIDA TECH LIMITED, Ankang Qinba Manchuan Toys Industry Operation Management Co., Ltd., Baby Family Store, Boom Party Store, Children's Clothes Design Store, Children's Wonder Factory Store, China Bedding-Set Factory Store, Dongguan Everest Technology Co., Ltd., Dongguan Mito Technology Co., Ltd., Dongguan Yikang Plush Toys Co., Ltd., Dropship Plush Toy Store, Emmababy Beautiful Baby Store, FULA-bao Official Store, Fuzhou Yibo Electronic Commerce Co., Ltd., Guangdong Jicheng Craft Products Co., Ltd., Guangzhou Kingkong Industrial Co., Ltd., Hang Wing Plastic Industry Co., Ltd., Happy House Party Store, Hi party Store, HMXRBY 2022 Children s Clothing Factory Store, J-L Store Store, JOYMEMO Party Town Store, Kayoli baby Store, LI DU Homes Store Store, LITCHI backdrop Store, luckyhome66 Store, MILULU88 Store, -Naughty baby Store, Palala Toy's Store, QiuQiu Party Store, SHENZHEN OXOFUN TECHNOLOGY LIMITED, Shenzhen Yishangju Technology Co., Ltd., Shop 119457639 Store, Shop 169276549 Store, Shop1100269143 Store, Shop912624424 Store, sweethome376688 Store, WangQianYu Store, Xiamen Better Supply Chain Co., Ltd., Xiaoboding Store, Yiwu All Shine Import & Export Co., Ltd., Yiwu Allo Trading Co., Ltd., Yiwu Aullan Import & Export Co., Ltd., Yiwu Baochang Trading Co., Ltd., Yiwu Juqi Trading Co., Ltd., Yiwu Tuyue Electronic Commerce Co., Ltd., Young Play Store, YY Waroom Store, Zhaoqing Junjie Technology Co., Ltd., Zhejiang Leadershow Hometextile Co., Ltd and ZHISUXI Official Store | N/A |
| Defaulting Defendants | 7day Store, A pleasant trip Store, AIDA TECH LIMITED, Ankang Qinba Manchuan Toys Industry Operation Management Co., Ltd., Baby Family Store, Boom Party Store, Children's Clothes Design Store, Children's Wonder Factory Store, China Bedding-Set Factory Store, Dongguan Everest Technology Co., Ltd., Dongguan Mito Technology Co., Ltd., Dongguan Yikang Plush Toys Co., Ltd., Dropship Plush Toy | N/A |

| | | |
|----------------------|--|-------------|
| | Store, Emmababy Beautiful Baby Store, FULA-bao Official Store, Fuzhou Yibo Electronic Commerce Co., Ltd., Guangdong Jicheng Craft Products Co., Ltd., Guangzhou Kingkong Industrial Co., Ltd., Hang Wing Plastic Industry Co., Ltd., Happy House Party Store, Hi party Store, HMXRBY 2022 Children s Clothing Factory Store, J-L Store Store, JOYMEMO Party Town Store, Kayoli baby Store, LI DU Homes Store Store, LITCHI backdrop Store, luckyhome66 Store, MILULU88 Store, -Naughty baby Store, Palala Toy's Store, Shenzhen Yishangju Technology Co., Ltd., Shop 119457639 Store, Shop 169276549 Store, Shop1100269143 Store, Shop912624424 Store, sweethome376688 Store, WangQianYu Store, Xiaoboding Store, Yiwu All Shine Import & Export Co., Ltd., Yiwu Allo Trading Co., Ltd., Yiwu Aullan Import & Export Co., Ltd., Yiwu Baochang Trading Co., Ltd., Yiwu Juqi Trading Co., Ltd., Yiwu Tuyue Electronic Commerce Co., Ltd., Young Play Store, YY Waroom Store, Zhaoqing Junjie Technology Co., Ltd., Zhejiang Leadershow Hometextile Co., Ltd and ZHISUXI Official Store | |
| Alibaba | Alibaba.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York | N/A |
| AliExpress | Aliexpress.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York | N/A |
| Sealing Order | Order to Seal File entered on May 13, 2022 | Dkt. 1 |
| Complaint | Plaintiff's Complaint filed on May 20, 2022 | Dkt. 12 |
| Application | Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an | Dkts. 16-19 |

| | | |
|--------------------------------|---|---------|
| | order authorizing expedited discovery filed on May 20, 2022 | |
| Yang Dec. | Declaration of Su Jeong Yang in Support of Plaintiff's Application | Dkt. 18 |
| Nastasi Dec. | Declaration of Gabriela N. Nastasi in Support of Plaintiff's Application | Dkt. 19 |
| TRO | 1) Temporary Restraining Order; 2) Order Restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) Order to Show Cause Why a Preliminary Injunction Should Not Issue; 4) Order Authorizing Bifurcated and Alternative Service; and 5) Order Authorizing Expedited Discovery entered on May 20, 2022 | Dkt. 20 |
| PI Order | June 17, 2022 Preliminary Injunction Order | Dkt. 8 |
| User Account(s) | Any and all websites and any and all accounts with online marketplace platforms such as Alibaba and/or AliExpress, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them | N/A |
| Merchant Storefronts | Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them | N/A |
| Baby Shark Content | One of Smart's most successful creations, which is the Pinkfong "Baby Shark" song and viral music video with characters | N/A |
| Baby Shark Applications | U.S. Trademark Serial Application Nos.: 88/396,786 for registration of "PINKFONG BABY SHARK" for a variety of goods in Class 25; 88/529,984 for registration of "PINKFONG" for a variety of goods in Classes 2, 3, 9, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32 and 41; 88/530,086 for registration of "BABY SHARK" for a variety of goods in Classes 2, 3, 9, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32 and 41; 88/594,141 for "PINKFONG" for a variety of goods in Class 5; and 88/594,122 for "BABY SHARK" for a variety of goods in Class 5 | N/A |

| | | |
|---------------------------------|--|-----|
| Baby Shark Registrations | <p>U.S. Trademark Registration Nos.: 5,803,108 for “BABY SHARK” for a variety of goods in Class 28; 6,488,471 for “BABY SHARK” for a variety of goods in Classes 9, 16, 25 and 41; 5,483,744 for “PINKFONG” for a variety of goods in Classes 3 and 21; 5,327,527 for “PINKFONG” for a variety of goods in Classes 9, 16 and 28; 4,993,122 for “PINKFONG” for a variety of goods in Classes 9 and 25; 6,487,494 for “PINKFONG” for a variety of goods 2, 3, 9, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30 and 41; 6,138,374 for pinkfong for a variety of goods in Class 41; 6,021,523 for pinkfong Baby Shark for a variety of goods in Class 28; 6,337,210 for “PINKFONG BABY SHARK” for a variety of goods in Class 21; 6,343,519 for “PINKFONG BABY SHARK” for a variety of goods in Class 25; 6,503,438 for “PINKFONG” for a variety of goods in Class 5;</p>  <p>6,495,600 for  for a variety of goods in Classes 9 and 41; and 4,515,238 for “BABY SHARK U.S.A” for a variety of goods in Classes 22 and 39</p> | N/A |
| Baby Shark Marks | The marks covered by the Baby Shark Registrations and Baby Shark Applications | N/A |
| Baby Shark Works | U.S. Copyright Registration Nos.: VA 2-130-856, covering Baby Shark; VA 2-130-847, covering Daddy Shark; VA 2-130-854, covering Mommy Shark; VA 2-131-983, covering Pink Fong Mascot; SR 823-609, covering Baby Shark (Sound Recording and Music); and PA 2-142-905, covering Baby Shark (Motion Picture) | |
| Baby Shark Products | An extensive worldwide licensing program for a wide variety of consumer products such as toys, sound books, t-shirts, associated with and/or related to the Baby Shark Content | N/A |
| Counterfeit Products | Products bearing or used in connection with the Baby Shark Marks and/or Baby Shark Works, and/or products in packaging and/or containing labels and/or hang tags bearing the Baby Shark Marks and/or Baby Shark Works, and/or bearing or used in connection with marks and/or artwork that are confusingly or substantially similar to the Baby Shark Marks and/or Baby Shark Works and/or products that are identical or | N/A |

| | | |
|--|---|-------------|
| | confusingly or substantially similar to the Baby Shark Products | |
| Defendants' Assets | Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad) | N/A |
| Defendants' Financial Accounts | Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad) | N/A |
| Financial Institutions | Any banks, financial institutions, credit card companies and payment processing agencies, such as PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), the Alibaba Group d/b/a Alibaba.com payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants | N/A |
| Third Party Service Providers | Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by Alibaba and/or AliExpress, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise | N/A |
| Defendants' Frozen Accounts | Defendants' Financial Accounts that were and/or are attached and frozen or restrained by the Financial Institutions pursuant to the TRO and/or PI Order, or which are attached and frozen or restrained pursuant to any future order entered by the Court in this action | N/A |
| Plaintiff's Motion for Default Judgment | Plaintiff's Motion for Default Judgment and a Permanent Injunction Against Defaulting Defendants filed on October 24, 2022 | Dkts. 35-38 |
| Futtermann Aff. | Affidavit by Danielle S. Futtermann in Support of Plaintiff's Motion for Default Judgment | Dkt. 36 |

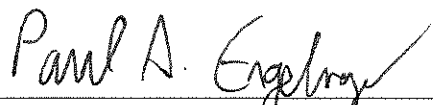
The Court, having entered a final default judgment and permanent injunction and having directed the Clerk of Court to close this case, the Court hereby GRANTS Plaintiff's request for the return of the Five Thousand U.S. Dollar (\$5,000.00) security bond in this action.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

- 1) The Court releases the Five Thousand U.S. Dollar (\$5,000.00) security bond that Plaintiff submitted in connection with this action to counsel for Plaintiff, Epstein Drangel, LLP, 60 East 42nd Street, Suite 1250, New York, NY 10165.

SO ORDERED.

SIGNED this 22nd day of February, 2024



HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE